THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.804 of 2007

DATED:12.11.2007

Between:

Ganni Veerraju ….Petitioner

AND

The Commissioner, Endowments Departments,
A.P., Boggulakunta, Tilak Raod, Hyderabad
and others ….Respondents

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THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.804 of 2007

ORDER:

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Heard the learned Counsel.

2. This writ petition is filed for issuance of a writ or order or direction more particularly, one in the nature of writ of mandamus directing the respondent authorities to conduct public auction for the leasehold rights of collection of "Tullu Billa rights" and "Varaboyu right" during the festival season of the fourth respondent temple every year and consequently direct the fourth respondent herein to conduct public auction for the said rights forthwith for the ensuing festival scheduled to be held in March, 2007 and to pass such other suitable orders.

3. It is stated by the petitioner in the affidavit filed in support of the writ petition that the fourth respondent is the presiding deity of the village Chintalur in Alamuru Mandal, East Godavari District. On the last day of "Phalguna" month in Telugu calendar i.e., Amavasya Day, a month long festival will be celebrated to the deity and lakhs of devotees from various places in both East and West Godavari Districts will attend the Jathara and offer their prayers to the deity. It is further stated that the belief of the devotees in the area is that the Goddess Nookambika will protect their children from diseases and dangers and as such, the parents will bring the newly born children also to the festival and perform Tullu Billa and Varaboyu ceremonies to the deity. The Jathara will continue during the entire month of Chaitra as per

Telugu Calendar. However, the peak season in the festival will be up to Poornima day of Chaitra month and nearly one lakh devotees will attend the Jathara on the Amavasaya day.

4. It is further stated by the petitioner that the fourth respondent temple is classified as Section 6-B Temple by the Endowments Department, and a trust board is constituted for the management of the temple. It is further stated that he was also appointed as a trustee and the Chairman of the Trust Board in 1970s and he has discharged his duties to the best satisfaction of the devotees. It is further stated that during his tenure, he provided several immunities to the devotees, who participated in the Jathara and also taken steps to improve the income of the temple. The deity is having the landed property of Ac.20.90 cents in the village and out of that an extent of Ac.6.00 cents is given to Aashadees (Priests) of the deity towards their services. It is further stated that the rents received by the temple from out of the remaining Ac.14.90 cents are very meager by the temple from out of the remaining Ac.14.90 cents are very meager and as such no developmental activity could not be taken up by the temple. The trust board at the request of the villagers and devotees has passed a resolution during the previous year to conduct public auction of the leasehold rights of offerings of Tullu Billa and Varaboyu ceremonies before the deity during the festival season. These two ceremonies are the important rituals in the Jathara and several devotees perform these rituals. As such, income of the temple will be improved, if the rights of collection of offerings under these rituals are auctioned publicly. It is stated that for all these years, the temple is not getting any income from these ceremonies. There is a lot of mismanagement in collection of these offerings to the deity. The Aashadees (Priests) of the deity have been unauthorizedly collecting the charges from the devotees for these two rituals and not even a single pie is coming to the temple. It is

further stated that the Aashadees have been getting nearly Rs.2,00,000/- every year on these two ceremonies. In fact, they are not entitled for the same and the deity alone is entitled. The collection of tickets from the devotees for performing poojas and rituals have to be auctioned publicly and the amounts have to be credited to the deity only. It is stated that no one can get the said benefit unauthorizedly. However, in spite of several representations from the devotees and villagers, the trust board and the respondent-authorities have not been conducting public auctions to these two sevas (services).

5. It is further stated by the petitioner in the affidavit filed in support of the writ petition that in the year 2006, the villagers have brought pressure on the trust board to conduct public auction of the right to collect Tullu Billa and Varaboyu sevas in the fourth respondent temple with a view to improve the financial position of the deity. As a result of that, the trust board finally passed a resolution requesting the second respondent to accord permission to conduct public auction to these two sevas also along with other rights. The said resolution of the trust board dated 17.01.2006 was forwarded to the second respondent through the Inspector of Endowments and the second respondent *vide* his proceedings in D.Dis.No.A2/1064/2006, dated 28.01.2006 was pleased to accord permission to the fourth respondent temple to conduct public auction to the said two sevas. It is further stated that pursuant to the said order of the second respondent, the fourth respondent issued public notice for conducting public auction of the above said two sevas along with other items and the auction was fixed at 2.00 p.m., on 14.03.2006 in the temple premises. While that being so, the second respondent issued another order in Rc.No.A2/4535/2006, dated 14.03.2006 by keeping his earlier order dated 28.01.2006 in abeyance and directed the fourth respondent to continue the existing usage. It is further stated that as a result of the

same, the auction for the lease hold rights of Tullu Billa and Varaboyu rituals have not been conducted and the Aashadees have permitted to collect the same from the devotees and not even a single pie was credited to the fourth respondent temple. Aggrieved by the said action of the second respondent, the villagers and devotees have submitted several representations to conduct public auction. But, the second respondent has not considered them. The action of the second respondent is not only arbitrary but also in violation of the provisions of the A.P.Act 30 of 1987 and the Rules made thereunder.

6. It is further stated by the petitioner that the Aashadees have been again bringing pressure on the second and third respondents to restrain the fourth respondent from conducting public auction of the lease of collection of right of Tullu Billal and varaboyou rituals in the ensuing festival of the fourth respondent schedule to be held in the month of March, 2007. If the public auction is not conducted, the deity will be put to loss of lakhs of rupees and the Aashadees are unauthorizedly collecting the said charges from the devotees. In the said circumstances, the petitioner approached this Court by filing the present writ petition.

7. In the counter-affidavit filed by respondents No.1 to 3, it is stated that it is true that as per the records, the petitioner was appointed as one of the trustee to Sri Nookambika Ammavari Temple, Chaintaluru, Alumuru Mandal. It is also true that devotees in large scale will attend on the last day of “Phalguna” month i.e., Amavasaya day and one-month festival will be celebrate and jathara and other rituals will be conducted as per the sentiments of the public as narrated in para 2 of the affidavit. It is stated that it is true that the fourth respondent temple is classified as section 6 (b) (ii) of the 30/87 of Endowments Act, which is under the administrative control of the Deputy Commissioner,

Endowments Department, Kakinada and there is also a trust board to the temple. It is stated that it is true that the deity owns a total extent of Ac.20.90 cents, out of which, an extent of Ac.6.00 cents given long back to the Aashadees (Priests) towards their service. As per the provisions of the Act 30/87, the salaries to the Aashadees (Priests) are to be fixed and the action is to be taken for resumption of the Ac.6.00 cents of service lands. It is stated that the trust board passed a resolution during the year 2005-2006 to conduct public auction of the right of offerings of Tullu Billa and Varaboyou ceremonies during the festival season as per the request of the villagers and devotees. The Deputy Commissioner, Endowments Department, Kakinada as per his proceedings D.Dis.No.A2/1064/2006 dt.28.01.2006 accorded permission to conduct public auction of the lease hold rights to the above said offering of Tullu Billa and Varaboyou. But the Aashadees (Priests) made representation on 13.03.2006 and on their representation as per the proceedings of the Deputy Commissioner, Endowments Department, Kainada as per proceedings R.C.No.A2/4535/2006 dated 14.03.2006 the said petition dated 28.01.2006 is kept abeyance. It is stated that the department has no objection whatsoever to put the leasehold rights in public auction, the functions of Tullu Billa and Varaboyou are being conducted only for three days for all these decades. But as per the proceedings D.Dis.No.A2/1064/2006 dated 28.01.2006 permission is accorded to put the leasehold rights for 15 days in the interest of the institution. But to avoid unnecessary litigation and for smooth running of the festival since by that time already festivals are commenced, the second proceedings dated 14.03.2006 were issued. It is stated that the Endowments Department has no objection to put the leasehold rights in aucjion for the above referred rights of offerings. The villagers, devotees or the petitioner have not submitted any complaints or any representations with regard to the alleged mismanagement by the

Aashadeeds (Priests). It is stated that for the collection of the tickets, the public auction is being conducted every year since, several years. It is not correct to state that the respondent-authorities are not conducting public auctions. It is stated that although for all the years the public auction for the two sevas (services) is being conducted every year for 3 days and only from the year 2005-2006, it was proposed to put the leasehold rights of the offerings for the two sevas (services) for 15 days instead of 3 days to get high income to the fourth respondent-temple. But as already stated the orders were kept in abeyance tentatively for that year only. It is stated that from this year i.e., from 2006-2007, it is already decided to put the leasehold rights of the offerings in public auction for 15 days.

8. It is also stated that the allegations in paragraph 4 of the affidavit are already assumed above, it is not correct to state that the Aashadees (Priests) is bringing pressure on the respondents. It is stated that only to safeguard the peace, the order R.C.No.A2/4535/2006 dated 14.03.2006 was issued. Further it is stated that since it has been already decided to put the leasehold rights of the alleged two sevas (services) in advance for 15 days, the present writ petition is filed only an apprehension.

9. In the facts and circumstances of the case and also in the light of the specific stand taken that the orders had been kept in abeyance tentatively for the said year, this Court is inclined to dispose of the writ petition directing the respondents to follow the procedure in conducting the auction for the rights in question for the coming days. No order as to costs.

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P.S.NARAYANA, J

DATED:12th November, 2007
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